



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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May 2, 2003

Mr. Hal Foreman
Project Manager
Whitcher Builders
P.O. Box 69
Strafford, New Hampshire 03884

**CERTIFIED MAIL (7099 3400 0003 0687 1755)
RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at Bald Peak Colony, Moultonborough, NH

Dear Mr. Foreman:

On November 6, 2002, personnel from the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), inspected the workers dormitory at the Bald Peak Colony, Moultonborough, NH (the "Property") to determine if asbestos containing material ("ACM") had been disturbed during a renovation project at the Property, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. As a result of the inspection and of the information gathered, DES has determined that violations occurred.

During the inspection of the Property on November 6, 2002, DES personnel learned that workers from Whitcher Builders had disturbed asbestos pipe insulation while removing plaster from interior walls. Workers had also removed more than 25 square feet of asbestos air cell insulation from the bathroom and kitchen areas of the building. Whitcher employees stopped the renovation project when they realized that they were disturbing ACM.

The purpose of this letter is to notify you of the violations discovered during the November 6, 2002 inspection. The specific violations are as follows:

Env-A 1804.01 requires that before undertaking any renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors.

Env-A 1805, *Work Practice Requirements* contains specific provisions pertaining to the proper handling, removal and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement projects to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. Whitcher Builders is not a licensed abatement contractor in the State of New Hampshire and did not follow required work practice standards during the removal of the ACM.

A-Best Abatement, Inc., a licensed asbestos abatement firm from Salem, NH, performed the necessary clean up work and removed the remaining ACM from the Property in conformance with the rules. Accordingly, no further action related to the listed violations is required. However, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that Whitcher Builders can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373 or Joseph Ritz, Enforcement Specialist, Air Resources Division, Compliance Bureau, at (603) 271-1391

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1800
List of asbestos abatement contractors

cc: M. Harbaugh, DES Legal Unit
W. Toland, EPA Region 1
R. Kurowski, EPA Region 1
J. Hannington-Perkins, NH DHHS
Health Officer, Town of Moultonborough
AFS # 3300083333